



06-10-02

CPA/1660 #

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Only for Continuation or Divisional applications under 37 CFR 1.53(d))	
Address to: BOX CPA COMMISSIONER FOR PATENTS WASHINGTON, DC 20231	Attorney Docket No. <u>44158/207989</u> (5853-2) (Of Prior Application)
	First Named Inventor: Tuomanen
	Examiner Name: M. Allen
	Group/Art Unit: 1631
	Express Mail Label No. EL868639252US

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d)
Continued Prosecution Application (CPA) of prior application number 09/056,019 filed on April 7, 1998,
entitled "A POLYPEPTIDE COMPRISING THE AMINO ACID OF AN N-TERMINAL CHOLINE BINDING
PROTEIN A TRUNCATE, VACCINE DERIVED THEREFROM AND USES THEREOF."

#27
Plunkett
6/18/02

NOTES
FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995. C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b). EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned. ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket. 35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

06/11/2002 SDENR001 00000057 09056019

01 FC:131
02 FC:102
03 FC:103
RTA01/2118615v1

740.00 OP
1008.00 OP
522.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	49 - 20 * =	29	x \$ 18 =	\$522
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	15 - 3 ** =	12	x \$ 84 =	\$1008
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))			+ \$280 =	
	BASIC FEE (37 C.F.R. 1.16)				\$740
	Total of above Calculations =				\$2270
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				
	TOTAL =				\$2270

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☐ The above filing fee will be paid along with Applicant's Response to the Notice to File Missing Parts.

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.
- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
8. ☒ A check in the amount of \$2770 is enclosed.
9. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
10. ☐ New Attorney Docket Number, if desired _____.
11. ☒ Return Receipt Postcard (specifically itemized)
☐ Receipt for Facsimile Transmitted CPA
12. ☒ Other: Request for Extension of Time (3 months)

In the event that extensions of time are not included with this communication in a separate paper and are necessary to allow the filing of this Continued Prosecution Application, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

13. NEW CORRESPONDENCE ADDRESS

Customer Number 29312

14. SIGNATURE OF AGENT

NAME: Kelly J. Williamson
Registration No. 47,179

SIGNATURE: Kelly J. Williamson

Customer No. 00826

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"Express Mail" Mailing Label Number: EL868639252US
Date of Deposit: June 7, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box CPA, Commissioner for Patents, Washington, DC 20231.

Rebecca Kerney
Rebecca Kerney

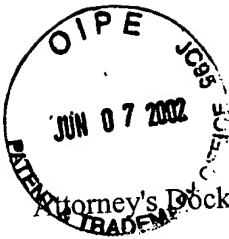
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. _____ on the date shown below.

Rebecca Kerney
(Type or print name of person signing certification.)

N/A
Signature

Date



Attorney's Docket No. 44158/207989 (5853-2)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Tuomanen *et al.*
Appl. No.: 09/056,019
Filed: April 7, 1998
For:

Confirmation No.: 4774
Group Art Unit: 1631

A POLYPEPTIDE COMPRISING THE AMINO ACID OF AN
N-TERMINAL CHOLINE BINDING PROTEIN A TRUNCATE,
VACCINE DERIVED THEREFROM AND USES THEREOF

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June 7, 2002

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT
37 CFR § 1.115

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Dear Sir:

Please amend the above-identified application as follows:

In the Specification:

Please replace page 5, paragraph 2, lines 9-10 with the following text:

DISUB
EI
Comparison of homologies of various serotypes of the nucleic acid and amino
acid sequence of the N-terminal region of CbpA (SEQ ID NOS: 28-39).

Please replace page 74, paragraphs 1-4, lines 1-18 with the following text:

This invention provides an isolated polypeptide comprising an amino acid
sequence of a N-terminal choline binding protein A truncate in which the amino acid
sequence is set forth in any of SEQ ID NOS: 1, 3-7, or 9-11, including fragments,
mutants, variants, analogs, or derivatives, thereof. Also, this invention provides a
isolated polypeptide comprising an amino acid sequence of a N-terminal choline binding
protein A truncate, wherein the amino acid is set forth in SEQ ID NO 24, wherein the

N.E.
Abstract to be
added to be
on set sheet